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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,700	05/07/2001	Daniel R. Romesburg	RD13/03	8182

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EDWARD P. DUTKIEWICZ  
P. O. BOX 511  
LARGO, FL 33779-0511

EXAMINER
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VANATTA, AMY B

ART UNIT	PAPER NUMBER
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3765

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DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/849,700

Applicant(s)

ROMESBURG, DANIEL R.

Examiner

Amy B. Vanatta

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 4-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☒ Claim(s) 1 and 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election with traverse of Species I and Species A in Paper No. 6 is acknowledged. The traversal is on the ground(s) that no additional burden would be placed on the examiner to examine all of the claimed species. This is not found persuasive because the patentably distinct species have differing structures which require different searches. Should applicant feel that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Claims 1-3 are drawn to the elected species. Claims 4-8 are withdrawn as being drawn to a nonelected invention.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Objections***

2. Claims 1 and 3 are objected to because of the following informalities:

In claim 1, line 23, and claim 3, line 7, the term "fastener" is misspelled as "faster".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Roessler (US 4,649,572).

Roessler discloses a bib including a generally flat rectangular bib portion (12) as claimed, including a top edge (see top edge near numeral 30, Fig. 2), a bottom edge, and side edges (14). Roessler shows a receptacle portion (28) which is generally rectilinear and has a base face (folded bottom panel 54) with an inner edge coupled to the bottom edge of the bib portion as claimed. The receptacle portion has a front face (see front face of member 20) coupled to the outer edge of the base and a pair of side faces (between edge 22 and bottom portion of edge 14 as seen in Fig. 2). The side faces have creases (see V-shaped creases formed in the bottom edge of the side face by fold portion 24; Fig. 2). The bib includes attaching components (see two halves of tab 32, spanning the neckband ends; Fig. 2) coupled to the rear face of the bib portion as claimed.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3765

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frye (US 6,334,220) in view of Blackshear (US 5,956,763).

Frye discloses a bib including a generally flat rectangular bib portion (Fig. 1) as claimed, including a top edge (25), a bottom edge, and side edges (24c, 24d). Frye shows a receptacle portion (34) which is generally rectilinear and has a base face (51) with an inner edge coupled to the bottom edge of the bib portion as claimed (see Fig. 1). The receptacle portion has a front face (34a) coupled to the outer edge of the base and a pair of side faces (34c, 34d). The side faces have creases (52; Fig. 2).

The attaching components of the bib comprise neck straps (12) which extend from the top of the bib. The bib does not have attaching components which are coupled to the rear face of the bib portion. Frye does teach that a variety of fasteners may be used to support the bib. Blackshear discloses a bib which is supported on the wearer by means of adhesive tabs 58 which are coupled to the rear face of the bib. Such a support means is conventional in bibs and permits the wearer to put the bib on without having to attach a strap behind the neck or pull a continuous strap over the head. This would facilitate donning the bib. It would have been obvious to substitute adhesive tabs which are provided on the rear face of the bib for the neck straps in the bib of Frye to support the bib on the wearer since such adhesive tab support means would facilitate donning of the bib, as shown by Blackshear.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frye (US 6,334,220) in view of Quilling et al (US 4,660,226).

Frye discloses a bib including a generally flat rectangular bib portion (Fig. 1) as claimed, including a top edge (25), a bottom edge, and side edges (24c, 24d). Frye shows a receptacle portion (34) which is generally rectilinear and has a base face (51) with an inner edge coupled to the bottom edge of the bib portion as claimed (see Fig. 1). The receptacle portion has a front face (34a) coupled to the outer edge of the base and a pair of side faces (34c, 34d). The side faces have creases (52; Fig. 2).

The attaching components of the bib comprise neck straps (12) which extend from the top of the bib. The bib does not have attaching components which are coupled to the rear face of the bib portion. Frye does teach that a variety of fasteners may be used to support the bib. Quilling et al disclose a bib which is supported on the wearer by means of adhesive strips 62, which are coupled to the rear face of the bib. Such a support means is conventional in bibs and permits the wearer to put the bib on without having to attach a strap behind the neck or pull a continuous strap over the head. This would facilitate donning the bib. It would have been obvious to substitute adhesive strips which are provided on the rear face of the bib for the neck straps in the bib of Frye to support the bib on the wearer since such adhesive strip support means would facilitate donning of the bib, as shown by Quilling et al.

***Allowable Subject Matter***

8. Claim 1 would be allowable if rewritten or amended to overcome the objection set forth in this Office action.
9. Claim 3 would be allowable if rewritten or amended to overcome the objection set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

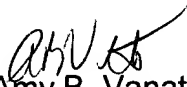
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy B. Vanatta whose telephone number is (703) 308-2939. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703) 305-1025. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Application/Control Number: 09/849,700  
Art Unit: 3765

Page 7

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

  
Amy B. Vanatta  
Primary Examiner  
Art Unit 3765

abv  
December 11, 2003